

**LEGISLATIVE SERVICES AGENCY
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**MINUTES OF THE
INDIANA CODE REVISION COMMISSION**

Wednesday, August 4, 1999
10 a.m.
Room 233, State House
Indianapolis, IN 46204

MEMBERS PRESENT: Senator Luke Kenley, Chairman; Senator Anita Bowser; Senator Sue Landske; Representative Robert Behning; Representative Ralph Foley; Representative John Frenz; Representative Robert Kuzman; Representative Jesse Villalpando; Mr. J.D. Lux, representing Attorney General Jeff Modisett; Mr. Todd Rokita, representing Secretary of State Sue Ann Gilroy; Mr. Fred Biesecker, Counsel to the Governor; Mr. Dave Remondini, representing Chief Justice Randall T. Shepard; Chief Judge John T. Sharpnack, Indiana Court of Appeals.

MEMBERS ABSENT: Senator Samuel Smith; Professor Emeritus William Harvey; Mr. Gene Leeuw, Attorney at Law.

STAFF PRESENT: Mr. John Stieff, Director, Office of Code Revision; Mr. Doug Masson, Deputy Director, Office of Code Revision; Mr. Philip Sachtleben, Acting Executive Director, Legislative Services Agency; Mr. Michael Landwer, Staff Attorney, Office of Bill Drafting and Research; Mr. Dick Sheets, Editorial Assistant, Office of Code Revision.

I. CALL TO ORDER

The meeting was called to order at 10:10 a.m. by Senator Kenley.

II. ELECTION OF CHAIRMAN

Senator Kenley nominated Representative Kuzman to be the new chairman. The motion was seconded and adopted by consent. The members of the Commission were then introduced.

III. INTRODUCTORY REMARKS

Mr. John Stieff, Director of the Office of Code Revision of the Legislative Services Agency, gave a brief overview of the work of the Office of Code Revision. He said the topics for discussion at today's meeting were a proposal to change the appearance of the printed bills by reducing the size of the digest, the proposed technical corrections bill, proposed changes not included in the technical corrections bill, revisions to the Form and Style Manual for Legislative Measures, and promulgating the Acts of Indiana by using computer disks. He anticipated that today's meeting would be the only meeting needed this year.

Mr. Stieff also reported on the in-house printing project undertaken during the 1999 session as a pilot program. He said the program resulted in a savings of over \$60,000 during the session. The Legislative Council, he reported, has approved an expanded in-house printing program for the 2000 legislative session under which all printed bills, resolutions, and enrolled acts will be printed in-house. Estimated savings for

the biennium, he noted, were expected to be about \$450,000.

IV. PROPOSAL TO CHANGE THE APPEARANCE OF DIGESTS ON PRINTED BILLS

Mr. Philip Sachtleben, Acting Executive Director, Legislative Services Agency, explained that the proposal to change the first page of printed bills is to reduce the number of instances in which the digest must be continued on a second page. Information contained on the page will not change.

The casual reader, he said, will not notice any difference in the way the bill looks. The format is the same but with less blank space. Also, bill drafters are being instructed to be more concise in writing the bill synopsis and to avoid a point-by-point outline.

Mr. Sachtleben said one purpose of printing the digest on only the first page is to reduce printing costs. He distributed a fact sheet illustrating potential savings based upon the volume of bills printed during the 1998 and 1999 legislative sessions, which is attached to minutes as Appendix A.

The Commission voted by consent to approve the change.

V. REVIEW OF MINUTES

The Commission approved by consent the minutes of the Commission's last meeting on September 22, 1998.

VI. PROPOSED TECHNICAL CORRECTIONS BILL

Mr. Doug Masson, Deputy Director, Office of Code Revision, presented the contents of Preliminary Draft 3000, the proposed technical corrections bill, which is attached to the minutes as Appendix B. He distributed a section-by-section summary, which is attached to the minutes as Appendix C.

Before discussing the content of the technical corrections bill, he presented three proposed additions, the first two of which were singled out as being potentially substantive in nature and requiring additional discussion by the Commission, and the third that consisted of corrections prepared after the mailing of PD 3000.

Affected by proposed Addition #1, attached as Appendix D, are:

1. IC 2-5-23-5. It makes members of the Senate Health Provider Services Committee, rather than members of the Senate Planning and Public Services Committee, voting members of the Health Finance Commission because the Senate Planning and Public Services Committee no longer exists.
2. IC 12-17.2-3.1-1. It makes the chairman of the Legislative Council, rather than the entire Council, responsible for the selection of the chairperson of the Board for the Coordination of Child Care Regulation. This conforms with the practice under which the board operated when it existed before 1997. The pre-1997 board operated under the same appointment language.

Affected by proposed Addition #2, attached as Appendix E, is

1. IC 21-1-30. Changes the effective date of the provisions of the 1999 budget bill that change the Primetime education funding formula from a school year to a calendar year formula. The current language leaves a funding gap between January 1, 2000, and January 1, 2001.

Affected by proposed Addition #3, attached as Appendix F, are

1. IC 3-7-12-2. Changes the name of the combined county election board and board of registration in Lake County in a reference to the board of elections and registrations, which conforms to the name change made by SEA 109-1999.
2. IC 15-1.5-3-9. Corrections an incorrect reference to the Indiana State Fair Advisory Commission.

After discussion, the Commission determined that proposed Addition #1 and Addition #2 were substantive in nature and should not be included in the technical corrections bill. By consent, the Commission agreed that Addition #3 should be incorporated into the technical corrections bill.

Mr. Masson, using examples in the draft, described the following types of problems addressed by the proposed technical corrections bill:

1. Conflicts in the law resulting from two or more acts amending the same section of the Indiana Code without recognizing each other.
2. Outdated citations.
3. Expired sections.
4. Language style problems.
5. References to groups by inconsistent names.
6. Citation mistakes.
7. Spelling errors.
8. Ambiguous language.
9. Printer errors.

The Commission members discussed the amendment to SECTION 84 of PD 3000 (IC 36-9-3-5). Mr. Masson explained that incorrect population parameters were used to designate the town of Winfield. The Commission asked the staff to verify that the change is technical in nature. Mr. Masson said he would prepare a report on the section.

The Commission voted by consent to recommend to the General Assembly PD 3000 subject to verification of the Winfield population parameter correction. It was decided that Senator Kenley would author the bill along with Senator Bowser as a coauthor and Representative Kuzman would sponsor the bill in the House.

VII. CONSIDERATION OF SUBSTANTIVE ISSUES CONTAINED IN PD 3005

Mr. Stieff presented Preliminary Draft 3005. Mr. Stieff explained that PD 3005 contains several provisions that were not considered appropriate for inclusion in the technical corrections bill, in view of the substantive nature of the statutory changes to be made in PD 3005. Mr. Stieff explained that PD 3005: (1) Updates the references to the Internal Revenue Code. (2) Extends the current administrative structure of the Office of the Secretary of Family and Social Services until July 1, 2002. (Current law provides for the expiration of the administrative structure on July 1, 1999.) (3) Specifies that the effective date of the statute creating the community college system (P.L.273-1999, SECTION 203) is the date of the passage of the act containing the text of PD 3005 and not July 1, 2000. A copy of PD 3005 is attached as Appendix G.

Representative Behning expressed concern that PD 3005 contained substantive changes that normally do not appear in legislation approved by the Code Revision Commission. Senator Kenley noted that Senate President Pro Tempore Garton had requested that the Code Revision Commission address the

issues contained in PD 3005. Chairman Kuzman noted that House Speaker Gregg had also requested that the Code Revision Commission address these issues. There was a consensus that the issues contained in PD 3005 and the issue concerning the Primetime program contained in Addition #2 to the technical corrections bill (Appendix E) should be addressed in legislation introduced in the 2000 regular session. After commission discussion on the proper way to package the legislation, it was moved and adopted by consent that the Code Revision Commission recommended the preparation of legislation for introduction in the 2000 regular session to make the statutory changes contained in PD 3005 and Appendix E. It was decided that the commission would not act on Addition #1 to the technical corrections bill (Appendix D), since there would be no emergency requiring the passage of the legislation at the first session day. It was decided that Senator Kenley would introduce the bill or bills in the Senate and that he would consult with the Senate leadership as to the number of bills to be introduced and the parts of PD 3005 and Appendix E to be included in each bill.

VIII. REVISIONS TO THE FORM AND STYLE MANUAL FOR LEGISLATIVE MEASURES

Mr. Stieff explained proposed changes to the Form and Style Manual for Legislative Measures, which is attached to the minutes as Appendix H. Additions or changes to the drafting manual affect:

1. Statutory and constitutional considerations.
2. Tabulation style.
3. Digest synopsis.
4. Amendment of noncode provisions.
5. Definition guidelines.
6. Definitions in recodified titles.
7. Population parameter guidelines.
8. Legislative oversight language.
9. Guidelines on temporary, transitional, or self-terminating provisions.
10. Language for changing in amendments and committee reports.
11. Exhibit examples.

The Commission by consent approved the changes.

IX. PROMULGATION OF ACTS OF INDIANA USING COMPUTER DISKS

Mr. Stieff said the Office of Code Revision is proposing a revision to the Indiana Code to allow the option of delivery of the Acts of Indiana to the 92 county clerks by paper copy or an electronic copy on a computer disk or CD-ROM. He said allowing electronic delivery of the Acts to those counties equipped with a computer and printer would simplify the promulgation process and reduce printing costs.

Mr. Stieff distributed an information sheet, attached to the minutes as Appendix I, outlining estimated biennial savings of \$4,800 and the results of a survey showing the computer capabilities of all 92 counties. According to the survey, 57 of the 92 counties are presently capable of handling the Acts in an electronic format.

Mr. Stieff noted IC 2-6-1.5-5, which specifies the distribution of the enrolled acts to each county, could be amended to specify that delivery of the copies may be by paper copy or in an electronic format.

The Commission agreed by consent that legislation should be introduced to allow the electronic delivery.

X. OTHER BUSINESS

Senator Kenley noted a letter had been received from Ronald Wuensch asking that the technical corrections bill include a provision on podiatry licensure. The Commission reviewed the request and did not consider it to be technical in nature.

XI. ADJOURNMENT

The Chairman thanked the Commission members and staff for their work on the Commission. The meeting was then adjourned by the Chairman at 12:18 p.m.

Attachments